THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.86 OF 2007

DATED 30.04.2007

BETWEEN

Gayam Venkateswarlu and others.

… Petitioners

AND

The Principal Secretary, Panchayat Raj & Rural Development Department, Secretariat, Hyderabad and others.

… Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioners who are sixty-four (64) in number are residents of Nadigadda village, Tripuranthakam Mandal of Prakasam District. They allege that their ancestors jointly purchased land admeasuring Acs.359.79 in survey Nos.1 to 35 situated at Mukthumpuram from Palutla Chandra Sekhara Rao in 1929 for the purpose of grazing the cattle. They also allege that all the joint purchasers divided the property in 2004 to the extent of Acs.240.00 and the remaining land of Acs.119.00 consisting of hillocks and canals was set apart for grazing. The petitioners herein allege that they got an extent of Acs.3.50 each for their share and others got the balance area. They also allege that in 1961, their ancestors obtained ryotwari pattas from Assistant Settlement Officer, Kurnool. However, respondents are now taking steps to dispossess the petitioners so as to issue pattas to landless poor persons without due process of law. Therefore, they filed the present writ petition.

The petitioners' affidavit is not clear whether they obtained pattas under A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956. It is also not clear whether pattas are being issued in relation to the area which is set apart as hillocks and canals for the purpose of grazing or with regard to the plain land. Whatever be the case, if the petitioners are lawful owners, there cannot be any doubt that respondents cannot dispossess them without following due procedure of law. This observation may dispel any apprehension in the minds of the petitioners.

The writ petition, subject to above observations, is dismissed. No costs.

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(V.V.S.RAO,J)

30.04.2007.
pln